

Leonard Weintraub (LW 7258)  
Steven Castaldo (SC 0520)  
PADUANO & WEINTRAUB LLP  
1251 Avenue of the Americas  
Ninth Floor  
New York, New York 10020  
(212) 785-9100  
Attorneys for Plaintiffs  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
COBALT MULTIFAMILY INVESTORS I, LLC, :  
COBALT MULTIFAMILY CO. I, :  
COBALT CAPITAL FUNDING, LLC, :  
and VAIL MOUNTAIN TRUST, :  
BY ANTHONY PADUANO, As Receiver, :  
  
Plaintiffs, :

-against- : 06 CV 6172 (KMW)(MHD)

LISA ARDEN, RYAN BELLINA, WYMAN BETHEA, :  
JASON BLOCK, JEFF BROOME, BRANDON COHEN, :  
STEVEN COHEN, COMVEST FINANCIAL CORP., :  
BRIGHAM COOMBS, SUSAN DESIENNA, :  
DTA HOLDINGS LTD., JOHN DUNDON, THOMAS :  
DZWILEWSKI, MICHAEL EISEMANN, EQUITRADE :  
HOLDINGS INC., DAVID FARHI, RUBEN FORTE, :  
TERRENCE GRAY, MAUREEN HEFFERNAN, :  
KRIS HOWARD, JOHN JEFFERSON, SUSAN KAGAN, :  
FAREAH KHAN, H. STEPHEN KIRSCHNER, :  
DAVID KIRSCHNER, ALEX KORICK, MICHAEL J. KWON, :  
ARTHUR LANDSMAN, JASON MILLER, ALEXANDER :  
MITZNER, SAM NAKHLEH, RALPH RODRIGUEZ, :  
DIANE SANTULLI, DEVORAH SHALEV, ADAM J. STEIN, :  
BRETT STITSKY, JARED STITSKY, ADAM SWICKLE, :  
THE WISER NOW CORP., ANTHONY TORRICELLI, :  
GREG WEINSTEIN, JENNIFER WILKOV and :  
NATHAN YOUNGS, :

Defendants.

----- X  
**NOTICE OF MOTION FOR DEFAULT JUDGMENT AGAINST H. STEPHEN KIRSCHNER,  
SUSAN DESIENNA, FAREAH KHAN, JASON MILLER, BRETT STITSKY, JARED STITSKY,  
JEFF BROOME, BRANDON COHEN, BRIGHAM COOMBS, DTA HOLDINGS, LTD., RUBEN  
FORTE, TERRENCE GRAY, MAUREEN HEFFERNAN, JOHN JEFFERSON, ALEX KORICK,  
MICHAEL J. KWON, RALPH RODRIQUEZ, ADAM SWICKLE, DIANE SANTULLI, THE  
WISER NOW CORP., AND GREG WEINSTEIN**

**PLEASE TAKE NOTICE**, that upon the accompanying Declaration of Steven Castaldo, dated September 25, 2009, and the exhibits thereto, and upon all prior pleadings and proceedings herein, plaintiff Anthony Paduano, Esq., the Court-appointed receiver (the "Receiver") of Cobalt MultiFamily Investors I, LLC, Cobalt MultiFamily Co. I, Cobalt Capital Funding, LLC, and Vail Mountain Trust, by the undersigned attorneys, will move this Court before the Honorable Michael H. Dolinger, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 17D, New York, New York, at a time and place to be determined by the Court, for an Order pursuant to Rule 55 of the Federal Rules of Civil Procedure and Local Rule 55.2(b) for entry of default judgments against defendants H. Stephen Kirschner, Susan Desiena, Fareah Khan, Jason Miller, Brett Stitsky, Jared Stitsky, Jeff Broome, Brandon Cohen, Brigham Coombs, DTA Holdings, Ltd., Ruben Forte, Terrence Gray, Maureen Heffernan, John Jefferson, Alex Korick, Michael J. Kwon, Ralph Rodriguez, Adam Swickle, Diane Santulli, The Wiser Now Corp., and Greg Weinstein, in the following amounts:

H. Stephen Kirschner:	\$130,464.82, and pre-judgment interest thereon from April 22, 2005 to the date of Judgment at the rate of 9.0%
Susan Desiena:	\$37,200.00, and pre-judgment interest thereon from February 27, 2006 to the date of Judgment at the rate of 9.0%
Fareah Khan:	\$9,000.00, and pre-judgment interest thereon from March 2, 2006 to the date of Judgment at the rate of 9.0%
Jason Miller:	\$22,231.84, and pre-judgment interest thereon from January 20, 2006 to the date of Judgment at the rate of 9.0%

Brett Stitsky:	\$32,770.25, and pre-judgment interest thereon from March 16, 2006 to the date of Judgment at the rate of 9.0%
Jared Stitsky:	\$75,000.00, and pre-judgment interest thereon from March 16, 2006 to the date of Judgment at the rate of 9.0%
Jeff Broome:	\$6,800.00, and pre-judgment interest thereon from September 15, 2005 to the date of Judgment at the rate of 9.0%
Brandon Cohen:	\$7,275.01, and pre-judgment interest thereon from March 16, 2006 to the date of Judgment at the rate of 9.0%
Brigham Coombs:	\$2,546.79, and pre-judgment interest thereon from November 23, 2005 to the date of Judgment at the rate of 9.0%
DTA Holdings Ltd.:	\$57,493.58, and pre-judgment interest thereon from April 18, 2005 to the date of Judgment at the rate of 9.0%
Ruben Forte:	\$103,140.73, and pre-judgment interest thereon from March 14, 2006 to the date of Judgment at the rate of 9.0%
Terrence Gray:	\$6,000.00, and pre-judgment interest thereon from December 14, 2004 to the date of Judgment at the rate of 9.0%
Maureen Heffernan:	\$7,825.00, and pre-judgment interest thereon from March 6, 2006 to the date of Judgment at the rate of 9.0%
John Jefferson:	\$6,050.00, and pre-judgment interest thereon from December 22, 2004 to the date of Judgment at the rate of 9.0%
Alex Korick:	\$4,800.00, and pre-judgment interest thereon from April 15, 2005 to the date of Judgment at the rate of 9.0%

Michael J. Kwon: \$48,755.50, and pre-judgment interest thereon from May 13, 2005 to the date of Judgment at the rate of 9.0%

Ralph Rodriguez: \$7,461.13, and pre-judgment interest thereon from June 23, 2005 to the date of Judgment at the rate of 9.0%

Adam Swickle: \$33,188.08, and pre-judgment interest thereon from April 18, 2005 to the date of Judgment at the rate of 9.0%

Diane Santulli: \$3,750.00, and pre-judgment interest thereon from October 13, 2005 to the date of Judgment at the rate of 9.0%


The Wiser Now Corp.: \$387,305.54, and pre-judgment interest thereon from March 16, 2006 to the date of Judgment at the rate of 9.0%

Greg Weinstein: \$4,600.00, and pre-judgment interest thereon from September 21, 2004 to the date of Judgment at the rate of 9.0%

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Civil Rule 6.1(b), answering affidavits and memoranda, if any, must be served upon the undersigned within 10 business days after service of these moving papers.

Dated: New York, New York  
September 25, 2009

PADUANO & WEINTRAUB LLP

By:   
Leonard Weintraub (LW 7258)  
Steven Castaldo (SC 0520)  
1251 Avenue of the Americas  
Ninth Floor  
New York, New York 10020  
(212) 785-9100

Attorneys for the Receiver

Service List**By Facsimile and First-Class Mail:**

James O. Druker, Esq.  
Kase & Druker  
1325 Franklin Avenue  
Garden City, New York 11530  
Fax: (516) 742-9415

Jacob Rollings, Esq.  
Law Office of Jacob Rollings  
57 Gramatan Avenue  
Mount Vernon, New York 10550  
Fax: (914) 699-3470

Vincent M. Lentini, Esq.  
600 Old Country Road, Suite 202  
Garden City, New York 11530  
Fax: (516) 228-4232

Howard Kagan, Esq.  
1575 East 19<sup>th</sup> Street, PH  
Brooklyn, New York 11230

**By First-Class Mail:**

H. Stephen Kirschner  
226 Adams Way  
Sayville, New York 11782

Brett Stitsky  
239B Cleveland Avenue  
Mineola, New York 11501

John Dundon  
190 Jervis Avenue  
Copaigue, New York 11726

Jason Miller  
1 West Gate  
Plainview, New York 11803

Fareah Khan  
3185 Sheridan Avenue  
Miami Beach, Florida 33140

Susan DeSiena  
188 Schoen Street  
Baldwin, New York 11510

Jared Stitsky  
2312 215th Street  
Bayside, New York 11360

Michael Eisemann  
74 Floyd Street  
Brentwood, New York 11717

Arthur Landsman  
60 Oleander Drive  
Northport, New York 11768